

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LE ROI JOHNSON,

No. C-07-0195 MMC

Plaintiff,

**ORDER DISMISSING CLAIMS
ASSERTED AGAINST THE
HONORABLE PETER BERGER**

v.

CONTRA COSTA COUNTY,

Defendant.

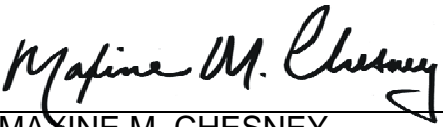
Before the Court is the complaint filed January 10, 2007 by plaintiff Le Roi Johnson ("Johnson"), in which Johnson asserts, inter alia, civil rights claims against the Honorable Peter Berger arising out of Judge Berger's imposition of a \$200 fine against plaintiff.

Where, as here, a case is brought in forma pauperis, the Court "shall dismiss the case . . . if the court determines that . . . the action . . . seeks monetary relief against a defendant who is immune from such relief." See 28 U.S.C. § 1915(e)(2)(B)(iii). A state judge is absolutely immune from civil liability for damages resulting from acts performed in his judicial capacity. See Pierson v. Ray, 386 U.S. 547, 553-55 (1967).

Accordingly, the claims asserted against Judge Berger are hereby DISMISSED.

IT IS SO ORDERED.

Dated: January 22, 2007


MAXINE M. CHESNEY
United States District Judge